



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 6/10/08
DATE FILED: 6/10/08

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June 9, 2008

BY FAX: (212) 805-7941

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: Carlos Gagot v. Richard Rodriguez, et. al.,
08 Civ. 361 (LAP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of the above referenced case in which the Court previously granted defendants until June 9, 2008 to respond to the amended complaint in this matter. Without appearing or making any representations as to the adequacy of process or otherwise, I respectfully request a three week extension of time, until July 30, 2008, for defendants Shell and Pringle to respond to the amended complaint in this civil rights action.¹ Plaintiff is incarcerated and proceeding *pro se*, and I have been unable to confer with him regarding this request; accordingly this application is made directly to the Court.

A further three-week enlargement of time in this matter is necessary so that this office can make the requisite representational decisions as to defendants Shell and Pringle. Pursuant to Section 50-k of the New York General Municipal Law, representation decisions in regard to individually named DOC officers can only be made after a review of the facts of the case. Once the Corporation Counsel's office determines that it can represent these officers, they must then decide whether they wish to be represented by the Corporation Counsel, and if so, the Corporation Counsel's office must obtain the Officer's written authorization. While this process

¹ Today, defendants Abrams, Boyle, Cortes, Diaz, Kane, Lemon, O'Connor, Quintana, Rodriguez, Sporrer, Torres, and Wold, will file their answer to the amended complaint. On information and belief, and according to a review of the Court's docket sheet, defendant Agustin Matos has not yet been served with a copy of the summons and complaint in this matter.

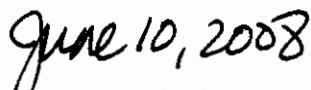
is well underway, representation decisions have not yet been made with regard to all defendants. Despite my best efforts, I have not yet been able to conduct a mandatory representational interview or complete a representational investigation with respect to defendants Pringle and Shell. I have received a request for representation from defendant Pringle, however, she is on vacation until June 24, 2008 and as such, I have not been able to complete my representational investigation with respect to her. Moreover, I will be out of the office from June 20, 2008 through June 25, 2008, and accordingly, I will not be able to complete the necessary representational investigation immediately upon her return on June 24. I have not yet received a request for representation from defendant Shell, and only a recent review of the Court's docket sheet revealed that he may have been served in this matter. Due to a professional training obligation, I was out of the office from June 2 through June 6, which further complicated my efforts to complete the representational investigation with regard to these defendants.

Accordingly, I respectfully request that defendants Pringle's and Shell's time to respond to the amended complaint be extended for an additional three weeks, from June 9, 2008, until June 30, 2008.

I thank the Court for its time and consideration of this request.

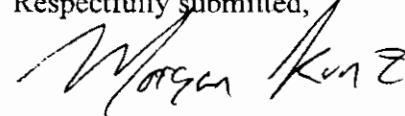
SO ORDERED


LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE



cc: Carlos Gagot, plaintiff *pro se*
#349-06-19530
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562 (By First Class Mail)

Respectfully submitted,



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